

## Reginal Administrator Stoker's Meeting with Speaker Pelosi – February 26, 2019

### Talking Points

#### EPA's Participation in Public Meetings

- Since we met last summer, EPA has attended all public meetings related to the cleanup hosted by the Hunters Point Shipyard Citizens Advisory Committee (4 meetings), in addition to other public meetings.
- The public continues to demand more transparency and opportunities to comment on specific documents, such as the Parcel G Workplan and the Five-Year Review report.

#### Parcel A | Area occupied by residents

- Since we met last summer, California's Department of Public Health (CDPH) completed radiological scanning of outdoor areas near residential buildings. CDPH observed no radiological health and safety hazards.
- CDPH continues to do radiological scanning of outdoor areas where no residents live. Soon, CDPH will begin testing dust from inside homes of the SF Shipyard.
- Once CDPH's ongoing scanning efforts are complete, we will work with CDPH and the Navy to evaluate their work and next steps.

#### Parcel G | The first area to be retested

- **Soil:** The Navy and EPA reached agreement on a scientifically-defensible strategy to retest areas.
- **Buildings:** The Navy and EPA continue to deliberate on how sensitive the radiological tests need to be to retest the buildings on site that may be reused for residential purposes.
- My staff is working with EPA Headquarters to develop a letter to provide the Navy with a clear path forward to start field work. ***When the letter is complete, we will share it with your office and be available to meet with you to further discuss.***
  - This letter will suggest the Navy begin field work on the background soil testing, while we continue to discuss the sensitivity of radiologic tests for the buildings.
  - This letter will continue to urge the Navy to allow for transparency in their work and request public comment opportunities on the Five-Year Review and the Parcel G Workplan.
- EPA is working with state agencies to have technical experts onsite to monitor the Navy's retesting and, if needed, cleanup efforts to ensure the safety of future residents and workers on the Site. We will also do our own testing alongside the Navy and rotate laboratories for independent analysis.

#### Five-Year Review | An evaluation of whether cleanup goals continue to protect human health

- In September, EPA submitted comments to the Navy on the draft Five-Year Review report. Our comments focused on the need for more information on how the Navy determined their remedial (cleanup) goals are protective of human health.
- EPA and the Navy continue to work on the approach used to evaluate remedial (cleanup) goals.
- We will likely propose a working meeting with the city and the state regarding their important roles in redeveloping the site. San Francisco and California have policies that may result in a lengthy, costly, and challenging cleanup regarding the reuse of the existing buildings for residential purposes.

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## Background Information

### EPA's Participation in Public Meetings (since last summer)

- Attended four Hunters Point Shipyard Citizens Advisory Committee (CAC) meetings, three SF Shipyard HOA meetings, and two public meetings hosted by the Navy.
- Participated in seven meetings with highly interested stakeholders, such as the African American Chamber of Commerce, Supervisor Elect Walton, Hunters Point Shipyard CAC chair and co-chair, and Committee to Bridge the Gap, and Golden State School of Law with Greenaction.
- EPA will continue to attend all public meetings about the cleanup.

### Parcel A

- Some residents believe these efforts are insufficient. They have requested radiological scanning of indoor floors of their homes.
- EPA has always believed the concerns we have about Tetra Tech EC Inc. would not impact the health of current residents in Parcel A or the surrounding community. The fraudulent data impact areas outside of Parcel A.

### Parcel G | The first area to be retested

- In August, we sent the Navy comments on their draft Parcel G Work Plan, which was issued in June.
- In November, the Navy and EPA agreed on a scientifically-defensible strategy to retest areas of the site impacted by Tetra Tech's data falsification (i.e., to start with 33% of specific areas). This strategy enables efficiency and effectiveness. If the results do not identify any possible concerns in regard to public health, the results will provide the confidence that the site is suitable for redevelopment.
- We are currently working with the Navy on their revised draft Parcel G Work Plan, which was issued November.
- We understand that redeveloping Parcel G is a key priority for the City of San Francisco.
- EPA has a critical role in restoring public confidence by transparently ensuring the Navy follow established Superfund laws, regulations, and policies developed to protect public health and the environment.

### Five-Year Review | An evaluation of whether cleanup goals continue to protect human health

- Five-Year Reviews use current science and human health risk assessment methods to evaluate whether current remedial (cleanup) goals at the site are still protective. Five-Year Reviews are required under the Superfund law and are an important part of the Superfund cleanup process.
- In September, we sent the Navy comments on their draft Five-Year Review report, which was issued in July. We are waiting for the Navy to issue a new draft Five-Year Review report.
- We believe that the property can be redeveloped in a way that is safe for the public; however, it will require additional discussions and agreements from all parties (Navy, San Francisco, and California) regarding the reuse of existing buildings for residential purposes.

- The State requires all soil and buildings contaminated with radiation to be cleaned up to the strictest level before allowing buildings to be demolished and disposed of in landfills.
- The City's reuse plans require the Navy to cleanup all buildings on site in order to allow for residential reuse, even though many buildings may actually be demolished or used for a non-residential purpose.

**Other background Information on the site**

- The data falsification by Tetra Tech EC Inc. is a highly unusual and serious situation. In January 2019, the U.S. Department of Justice filed a \$800 million-dollar civil complaint against Tetra Tech EC Inc. on behalf of the Navy.
- The Navy's latest draft schedule calls for soil retesting to be complete in February 2021 and building retesting to be complete by June 2020. This timeline assumes that that EPA and Navy agree about cleanup standards and that no contamination is found during testing.
- San Francisco's renewed interest in redeveloping the site for residential use has increased public interest on the site cleanup. This has created additional need for transparency in the government's work, including options to provide opportunities for the public to comment on specific documents.
- In Fall 2016, EPA and the State of CA wrote to the Navy to reiterate that no further transfers of property should occur until we fully understand the breadth of data manipulation and retest the site to fully characterize the nature and extent of contamination on the site.
- Where there are disagreements between the Navy and EPA, we are guided by our Federal Facility Agreement (FFA). The FFA established a process to resolve disputes. Disputes generally begin informally, and we attempt to resolve them at the staff level. If we are unable to agree, the dispute is elevated to the Division Director, then to the Regional Administrator, and finally to the Administrator.